

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 1:23cv0108 (LMB/JFA)
	)	
GOOGLE LLC,	)	
	)	
Defendant.	)	
	)	

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**ORDER**

This matter is before the court on plaintiffs’ motion to seal certain portions of their memorandum in support of their motion to exclude expert testimony of Anthony Ferrante and certain exhibits. (Docket no. 592). In the memorandum in support of the motion to seal, plaintiffs state that they redacted portions of the memorandum and exhibit B and filed under seal exhibit A based on defendant designating that information as confidential. Defendant’s “consolidated response” to plaintiffs’ motions to seal states that it has no objection to the unsealing of Ferrante exhibit A and B. (Docket no. 841 at 10). Defendant does not make any argument that the redactions to the memorandum should remain under seal. Several non-parties have filed responses to this motion to seal but none of them address the specifics of the information contained in this filing. (*See* Docket nos. 782, 805, 813, 820, 822). A review of the information contained in the memorandum and exhibits reveals that it does not contain any substantive non-party information.

Initially, the court finds that the materials filed relating to this motion to exclude would require an analysis of the public’s access under the First Amendment standard requiring that access may be restricted only if it is necessitated by a compelling government interest and the

denial of access is narrowly tailored to serve that interest. *See Va. Dep't of State Police v. Wash. Post*, 386 F.3d 567, 575 (4th Cir. 2004); *Doe v. Pub. Citizen*, 749 F.3d 246, 266 (4th Cir. 2014). Having reviewed the submissions of the parties and taking into account the Fourth Circuit's directives, the court finds that none of the information contained in this filing should remain under seal. As to the redactions in the memorandum, defendant has presented no argument that the redacted information should remain under seal. The court has reviewed the redacted information in the memorandum and finds that it does not contain any confidential or sensitive information of defendant or non-parties that would justify it remaining under seal, particularly considering defendant's agreement that exhibits A and B may be in the public record. The court has also reviewed the portions of the expert report included in exhibit A and the redacted portions of the deposition transcript in exhibit B and finds that information should be unsealed. For these reasons, it is hereby

ORDERED that the motion to seal is denied and within seven days plaintiffs shall file an unredacted version of their memorandum in support of their motion to exclude expert testimony of Anthony Ferrante along with unredacted versions of exhibits A and B in the public record.

Entered this 3rd day of July, 2024.

Alexandria, Virginia

  
\_\_\_\_\_/s/\_\_\_\_\_  
**John F. Anderson**  
**United States Magistrate Judge**  
John F. Anderson  
United States Magistrate Judge